

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JOSHUA GOODWIN,

Plaintiff,

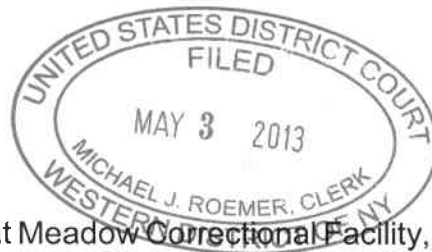
-v-

C. SCULLY, JOHN DOE, Sgt.,

Defendants.

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12-CV-1046(A)(F)  
ORDER



Plaintiff Joshua Goodwin, who is incarcerated in the Great Meadow Correctional Facility, but alleges herein that he was attacked and assaulted at the Southport Correctional Facility by defendants C. Scully, Correctional Officer, and John Doe, Correctional Sergeant, has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a), and has both met the statutory requirements and furnished the Court with a signed Authorization. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been screened by the Court with respect to the 28 U.S.C. §§ 1915(e) and 1915A criteria.

Plaintiff has sued a John Doe defendant and alleges that this defendant, along with Scully, who were assigned to Southport, A 12 Company, at 8:00am on June 26, 2012, removed plaintiff from his cell and took him down to the "boxs 'cell'" at which point he yelled out "A 12-19" and Scully and John Doe rushed into the cell and began punching him repeatedly. (Complaint, Section 5A, First Claim, at 5.) Pursuant to *Valentin v. Dinkins*, 121 F.3d 72 (2d. Cir. 1997) (per curiam), the Court requests that the New York State Attorney General's Office attempt to ascertain the full name of the John Doe defendant plaintiff seeks to sue. The Attorney General's Office is also requested to provide the addresses where said defendant can currently

be served. The Attorney General's Office need not undertake to defend or indemnify this individuals at this juncture. This order merely provides a means by which plaintiff may name and properly serve the John Doe defendant as instructed by the Second Circuit in *Valentin*.

The New York State Attorney General's Office is hereby requested to produce the information specified above regarding the identities of the John Doe defendant to the Court's Pro Se Office in Buffalo, New York by **June 6, 2013**. Once this information is provided, plaintiff's complaint shall be deemed amended to reflect the full names of the defendant, summonses shall be issued and the Court shall direct service on said defendant.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon C. Scully without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.<sup>1</sup>


The Clerk of the Court is also directed to forward a copy of this Order by email to Michael Russo, Assistant Attorney General in Charge, Buffalo Regional Office <Michael.Russo@ag.ny.gov>.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendant is directed to answer the complaint.

SO ORDERED.

DATED:

5/1, 2013  
Buffalo, New York

  
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JOHN T. CURTIN  
United States District Judge

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<sup>1</sup>Pursuant to a Standing Order of Court, filed September 28, 2012, a defendant will have 60 days to file and serve an answer or other responsive pleading, see Fed.R.Civ.P. 12(a)-(b), if the defendant and/or the defendant's agent has returned an Acknowledgment of Receipt of Service by Mail Form within 30 days of receipt of the summons and complaint by mail pursuant to N.Y.C.P.L.R. § 312-a.